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2014

## The Professional, Spring 2014

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# THE PROFESSIONAL

A PUBLICATION OF THE  
HENRY LATIMER CENTER FOR PROFESSIONALISM



Volume XI, No. 7

[www.floridabar.org/professionalism](http://www.floridabar.org/professionalism)

Spring 2014

## Upcoming Events:

**May 2, 2014**

Practicing with Professionalism  
*Tallahassee*

**May 21, 2014**

Tallahassee Women Lawyers  
Professionalism CLEs  
*Tallahassee*

**May 22, 2014**

Practicing with Professionalism  
*Panama City*

**June 25, 2014**

SCOP CLE "Social Media,  
Advertising and Professionalism"  
at Annual Convention 2:30 p.m.  
*Orlando*

**June 26, 2014**

Florida Supreme Court  
Commission on Professionalism  
Meeting at Annual Convention at  
10:00 a.m.  
Standing Committee on  
Professionalism Meeting at Annual  
Convention at 2:30 p.m.  
*Orlando*

**June 27, 2014**

Leadership Academy Graduation  
Class I and Class II begins at  
Annual Convention  
*Orlando*

**July 11-12, 2014**

Voluntary Bar Leaders Conference  
and Leadership Academy Meeting  
*Bonita Springs*

**August 1, 2014**

Florida Creditors Bar Association  
Professionalism CLE  
*Orlando*

### Henry Latimer Center for Professionalism

Director:

**Linda Calvert Hanson**

Assistant Director:

**Jacina Haston**

Program Coordinator:

**Christopher Hargrett**

Law Clerk:

**Kevin Joyce**

### Florida Supreme Court Commission on Professionalism

Chair:

**Justice R. Fred Lewis**

### The Florida Bar Standing Committee on Professionalism

Chair:

**David Hallman**

Vice-Chairs:

**Donise Brown**

**Michael Schneider**

Board Liaison:

**Stephen Echsner**

## Director's Report

We began the year with a Standing Committee on Professionalism (SCOP) meeting in Orlando, convened by Chair David Hallman, that allowed the six working groups (Awards, Young Lawyers, Circuit Professionalism, Publicity & Communications, Professionalism Seminar, and Aging Lawyers) to collaborate on their various projects. A report was provided for the Professionalism Seminar Working Group, chaired by Judge Frances Perrone with the results of the national CLE data collection as requested by Justice R. Fred Lewis. The data showed that forty-two states require attorneys to complete a professionalism or ethics CLE course, plus three additional states (including Florida) list professionalism and/or ethics as one of several specialized topics that attorneys can elect to take to fulfill an additional requirement. Moreover, thirty-three states have specific requirements for new attorneys.

Additionally, this working group partnered with former SCOP Chair and Annual Convention Committee Vice-Chair, Sean Desmond, to develop a 1.5 hour CLE, "Social Media, Advertising and Professionalism" that will be offered during the Annual Convention in Orlando on Wednesday, June 25 at 2:30 p.m. Judge Perrone will provide opening remarks before the panel presentation that will include David Hallman who will talk about

ways to create a positive reputation via ones online presence, and SCOP member, Dean Tim Chinaris, who will speak to the risks of friending judges, opposing counsel and other third parties while providing cautionary information about blog posts. Also, Assistant Director Jacina Haston will discuss the consequences of unprofessional use of social media.

The Publicity and Communications Working Group, chaired by Caroline Johnson Levine, is creating an awareness campaign to promote the Henry Latimer Center for Professionalism, its work, and resources to members of the Bar. The Group decided to reach out to voluntary bar associations to publicize the Center and offered recommended changes to the Center's website along with ideas for a marketing campaign that were presented to The Florida Bar's Director of Public Information. Additionally, Caroline Johnson Levine contributed articles to the newsletter and several members of this group participated in providing professionalism programs within their local community.

In February, the Circuit Professionalism Working Group, co-chaired by Denise D'Aprile and Carrie Roane, finalized the collection of the Circuit Professionalism Reports (summarized within this newsletter), and the Awards Working

*See "Chair's Message" page 2*

## **DIRECTOR'S REPORT**

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Group, chaired by Michael Schneider, received numerous nominations for the three professionalism awards that were carefully considered by the group before tendering recommendations to the full SCOP. These awards will be presented at the Judicial Luncheon at Annual Convention.

Also in February, Judge E. Lamar Battles of the 13th Judicial Circuit Court, Jacina Haston, and I presented a four-hour professionalism workshop in Tampa that is part of the disciplinary system's Practice and Professionalism Enhancement Program (PPEP). Beyond providing Florida's expectation of professionalism coupled with a review of how it is enforced, this interactive and reflective workshop included common pitfalls such as the need to respect the judiciary, to avoid discourteous or intimidating behavior, and to improve communication and professionalism in social media.

Additionally, I had the privilege to meet and interact with attorneys and judges while delivering the CLE "Professionalism Matters" to the St. Lucie County Bar Association luncheon in Fort Pierce and at the Florida School Board Attorneys Association's Annual Convention in Orlando. Jacina Haston conducted a professionalism webinar for the Education Law Committee as part of its certification review in February as well.

In March, the North Leadership Academy fellows met in Tampa while the South fellows met in West Palm Beach to explore the theme of "Guardians of the Legal Profession & Servant Leadership." The Center created presentations that included "Understanding Generational Expectations as a Leader," "Protecting

the Public: Clients' Security Fund, Fee Arbitration Program, and Malpractice Claims," and "The Florida Bar Discipline System and Grievance Process." As Class I graduates in June, the Center certainly has enjoyed its role during the inaugural year of the Leadership Academy and it is eager to shape and refine the curriculum for Class II that begins at Annual Convention.

SCOP's popular program, "Balancing Life and Law" was offered with assistance from the Young Lawyers Division and its Law Student Division this spring, to the two remaining law schools, Florida International University College of Law and Florida A & M University College of Law. Now, all twelve of Florida's law schools benefitted from hearing panelists speak on this critical topic while interacting with members of SCOP and the local legal community. The Young Lawyers Working Group, co-chaired by Sean Desmond and Rachel Greenstein, is pleased to have been able to fully implement this program and the group has laid the framework for another successful series next year. Another law school activity is the Annual Law School Reports collected the first of March which contain summaries of professionalism activities, achievements, and initiatives. The deadline for the jointly sponsored FLMIC, YLD, GPSSE, and Center Law Student Essay Contest also closed; numerous submissions were evaluated and the essay winner will be recognized at the Annual Convention.

In April, I had the opportunity to present "Professionalism Matters!" at the 2014 Fifth Circuit Professionalism Conference in Ocala that was attended by over 275 members of the local legal community. The following week David Prather, Board of Gover-

nor member, and I co-presented "Why Professionalism and Civility Matter – A Leadership Perspective," at the 12th Judicial Circuit 2014 Bench Bar Conference in Sarasota. This event, too, was extremely well attended with over 300 registered lawyers and judges. It is gratifying to participate in strong professionalism initiatives that are being advanced at the local level.

As June approaches, the Center will say farewell to two individuals who have been integral to the success of our work this year. It has been our great pleasure to work with SCOP Chair David Hallman over the past year. David was instrumental in formulating the Individual and Quarterly Local Professionalism Panel Reports as requested by Justice Lewis and adopted by the Commission on Professionalism. Under his leadership, the Standing Committee on Professionalism has made great strides on several professionalism initiatives.

Also, law clerk Kevin Joyce, who has worked for the Center since March 2013, will be graduating from FSU Law in May. Kevin's resourcefulness, attention to detail, and strong legal research and writing skills have proven to be invaluable in assisting with the timely production of the Leadership Academy curriculum, and we have enjoyed the three articles that he contributed to *The Professional*.

We look forward to seeing all SCOP and Commission members at the upcoming Annual Convention meetings in Orlando on June 26.



**Linda Calvert Hanson**  
Director of The Henry Latimer  
Center for Professionalism



## **The Florida Bar 2014 Annual Convention**

Gaylord Palms Resort & Convention Center  
Orlando, Florida  
June 25 - 28, 2014





# A Trip Down Professional Lane

By: Kevin Joyce, Florida State University College of Law, Class of 2014

While this time of year represents many things to many different people, two in particular stand out in my mind – the start of baseball season and the end of the school year.

Major League Baseball has finally awakened from its winter hibernation and ballparks are filled with the crack of the ball off the barrel of a bat, hot dogs, and screaming fans. However, these parks are also home to some newer, unconventional items like the three-pound banana split sundae in Chicago, the 18-inch corn-dog in Arizona, and bacon on a stick in Texas. While these items certainly seem intriguing, I am unable to get excited about the new season. You may think that my lack of excitement stems from the possibility that I am a fan of a team surely to be at the bottom of the division, but that is not the case. Well, hopefully not.

My lack of excitement stems from the fact that this season will be the last for Derek Jeter, the captain and short-stop for the New York Yankees. Whenever a career or journey is coming to a close, it is nearly impossible to not reflect back on how far one has come, what one has accomplished, or how their perception has changed over time. Looking back, since becoming a starter in 1996, Jeter has led the Yankees to multiple world championships and gathered too many individual awards and honors to list. He has been a model of professionalism on and off the field for one of the world's best known sports franchises. As such, this season is sure to be filled with sappy tributes and emotional trips down memory lane whenever the Yankees and Jeter make a trip anywhere outside of the Bronx.

Like Jeter, a journey of mine is also coming to an end. My law school journey, that is. As my May graduation quickly approaches, I have found myself in conversations about the “old” 1L days and on many trips down memory lane. While I have numerous great memories (and of course

some that I wish I could completely eliminate from my brain forever), one thought routinely comes up. I am shocked how naïve I was during my “old” 1L days when it came to professionalism. In my mind, professionalism could not have possibly been an issue for attorneys. There was no way that actual attorneys were anything like those Hollywood attorneys on television. I was so wrong.

If we take a trip down memory lane of unprofessional conduct in Florida, we will note there have certainly been some characters that would make for entertaining Hollywood television. In 1996, in The Florida Bar v. Wasser-



man, the attorney was suspended six months after attending a hearing and losing his temper after a ruling by the judge. 675 So.2d 103 (Fla. 1996). Wasserman stood and shouted his criticism, waved his arms, challenged the judge to hold him in contempt, and displayed his arms as if to be handcuffed. Id. While not suspended, in 1997, an attorney was “patently unprofessional” for the “childish and demeaning conduct” which took place in an exchange during a deposition in which attorney poked another in the chest and used profane language. The Florida Bar v. Martocci, 699 So.2d 1357 (Fla. 1997).

The legal profession is not the place for these antics. Following these incidents and others similar in nature,

in 1998, the Florida Supreme Court issued an Administrative Order that mandated all Chief Judges in each circuit create a circuit professionalism committee. This action was one of the first steps that the Florida Supreme Court took to try to crack down on unprofessional conduct, but it certainly was not the last. These committees helped increase awareness about professionalism, but unprofessional conduct continued.

In 2001, Martocci was back with more unprofessional conduct. This time around, he called the opposing attorney a “nut case” and “crazy” as well as other comments including “stupid idiot” and that “she needed to go back to law school” before making demeaning facial gestures during a deposition and threatening to beat up the opposing parties dad. The Florida Bar v. Martocci, 791 So.2d 1074 (Fla. 2001), reh. den. (2001). Unlike in 1997, Martocci received a public reprimand and a 2-year probation. Id.

In 2009, Abramson was suspended for 91 days for disruptive conduct during jury selection, ignoring the court’s order to stop arguing a particular issue, and trying to convince the jury that the judge was at fault. The Florida Bar v. Abramson, 3 So. 3d 964 (Fla. 2009). In 2010, an attorney was publicly reprimanded and suspended for 60 days for unprofessional conduct at a videotaped deposition that included tearing up an exhibit sticker and an attempt to run around the table towards opposing counsel in a threatening manner. The Florida Bar v. Ratiner, 46 So.3d 35 (Fla. 2010). Ratiner continues to have issues with unprofessional conduct as he currently has another case pending with the Florida Supreme Court.

In 2013, the Florida Supreme Court moved to rid the legal profession of the unprofessional conduct. On June 6, 2013, the Florida Supreme Court adopted the Code for Resolving Professionalism Complaints following the recommendation of its Com-

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mission on Professionalism. After seeing that the significant problems mentioned previously required further and more concrete action, the court stated that “members of The Florida Bar shall not engage in unprofessional conduct” and mandated that each judicial circuit needed to develop a Local Professionalism Panel to informally handle and monitor unprofessional conduct. In re Code for Resolving Professionalism Complaints, SC13-688 (Fla. 2013). The Code defines “unprofessional con-

duct” as any substantial or repeated violations of the Oath of Admission to the Florida Bar, the Florida Bar Creed of Professionalism, the Florida Bar Ideals and Goals of Professionalism, the Rules Regulating the Florida Bar, or the decisions of the Florida Supreme Court. Id.

Just months after adopting the Code, the Florida Supreme Court continued its efforts to eliminate unprofessional conduct. In October, an attorney disciplinary ruling was handed down for numerous instances of unprofessional conduct. The Florida Bar v. Norkin, SC11-1356, 2013 WL 5878901 (Fla. Oct. 31, 2013), reh’g denied (Jan. 23, 2014). While the Bar

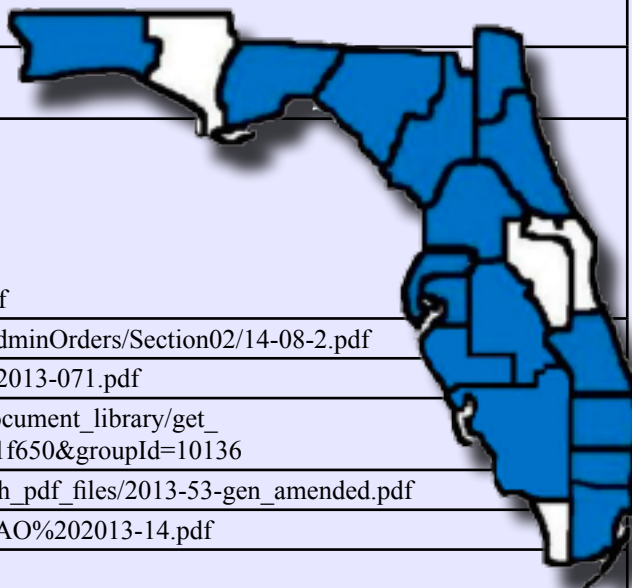
recommended a one-year suspension and public reprimand, the Florida Supreme Court ordered a two-year suspension and public reprimand before the full Supreme Court. Id.

The Florida Supreme Court has sent a clear signal by its adoption of SC13-688 and recent rulings that unprofessional conduct will not be tolerated. As I graduate and disappear into a cave to study for the bar exam, I have to remember that when I begin to practice, it is not just about the law. Just as Jeter believes that he owes a duty to represent the Yankees organization professionally, I owe a duty to myself and the public to practice law with professionalism.

### Summary of Local Professionalism Panels By Circuits as Mandated by

**In re: Code for Resolving Professionalism Complaints, 116 So. 3d 280 (Fla. 2013)**

CIRCUIT	ADMINISTRATIVE ORDER LINK
First	<a href="http://www.firstjudicialcircuit.org/document-library/ao-2013-46-local-professionalism-panel">http://www.firstjudicialcircuit.org/document-library/ao-2013-46-local-professionalism-panel</a>
Second	<a href="http://cvweb.clerk.leon.fl.us/cvimage/official_records/download_document.asp?book=4617&amp;page=708">http://cvweb.clerk.leon.fl.us/cvimage/official_records/download_document.asp?book=4617&amp;page=708</a>
Third	<a href="http://www.jud3.flcourts.org/Admin_ORDers/All/2013-011-Third%20Circuit%20Professionalism%20Panel%20and%20Committee.pdf">http://www.jud3.flcourts.org/Admin_ORDers/All/2013-011-Third%20Circuit%20Professionalism%20Panel%20and%20Committee.pdf</a>
Fourth	<a href="http://www.duvalclerk.com/adminOrders/Files/137990231.pdf">http://www.duvalclerk.com/adminOrders/Files/137990231.pdf</a>
Fifth	<a href="http://www.circuit5.org/c5/wp-admin/ao/A2013-45.pdf">http://www.circuit5.org/c5/wp-admin/ao/A2013-45.pdf</a>
Sixth	<a href="http://www.jud6.org/LegalCommunity/LegalPractice/AOSAndRules/aos/2013PDFFiles/2013-075.pdf">http://www.jud6.org/LegalCommunity/LegalPractice/AOSAndRules/aos/2013PDFFiles/2013-075.pdf</a>
Seventh	<a href="http://www.circuit7.org/Attorney%20Resources/professionalism.html">http://www.circuit7.org/Attorney%20Resources/professionalism.html</a>
Eighth	<a href="http://circuit8.org/web/ao/10%2002%20%28v%29%28s%29%20Local%20Professionalism%20Panel-signed.pdf">http://circuit8.org/web/ao/10%2002%20%28v%29%28s%29%20Local%20Professionalism%20Panel-signed.pdf</a>
Tenth	<a href="http://www.jud10.flcourts.org/sites/all/files/docs/AO_1-48.0.pdf">http://www.jud10.flcourts.org/sites/all/files/docs/AO_1-48.0.pdf</a>
Eleventh	<a href="https://www.jud11.flcourts.org/documents/Administrative_Orders/02-14-01%20-%20Eleventh%20Judicial%20Circuit%20Professionalism%20and%20Civility%20Committee%20and%20Local%20Professionalism%20Panel-No%20Signature.pdf">https://www.jud11.flcourts.org/documents/Administrative_Orders/02-14-01%20-%20Eleventh%20Judicial%20Circuit%20Professionalism%20and%20Civility%20Committee%20and%20Local%20Professionalism%20Panel-No%20Signature.pdf</a>
Twelfth	<a href="http://www.jud12.flcourts.org/Portals/0/PDF/AdminOrders/Section02/14-08-2.pdf">http://www.jud12.flcourts.org/Portals/0/PDF/AdminOrders/Section02/14-08-2.pdf</a>
Thirteenth	<a href="http://www.fjud13.org/Portals/0/AO/DOCS/S-2013-071.pdf">http://www.fjud13.org/Portals/0/AO/DOCS/S-2013-071.pdf</a>
Fifteenth	<a href="http://15thcircuit.co.palm-beach.fl.us:8080/c/document_library/get_file?uuid=9ce94e86-483b-4125-b3b7-5876d091f650&amp;groupId=10136">http://15thcircuit.co.palm-beach.fl.us:8080/c/document_library/get_file?uuid=9ce94e86-483b-4125-b3b7-5876d091f650&amp;groupId=10136</a>
Seventeenth	<a href="http://www.17th.flcourts.org/images/stories/17th_pdf_files/2013-53-gen_amended.pdf">http://www.17th.flcourts.org/images/stories/17th_pdf_files/2013-53-gen_amended.pdf</a>
Nineteenth	<a href="http://www.circuit19.org/documents/AO/2013/AO%202013-14.pdf">http://www.circuit19.org/documents/AO/2013/AO%202013-14.pdf</a>
Twentieth	<a href="http://www.ca.cjis20.org/pdf/ao/ao_2_20.pdf">http://www.ca.cjis20.org/pdf/ao/ao_2_20.pdf</a>



Blue areas represent circuits with Administrative Orders regarding Local Professionalism Panels.

# Circuit Professionalism Reports

## For Activities From July 1, 2013 through February 1, 2014

### **Circuit Professionalism Reports**

Professionalism is one of the most important values of the legal profession. To enhance professionalism, the Supreme Court of Florida enacted SC13-688, "In Re: Code for Resolving Professionalism Complaints," as a way to monitor and address unprofessional conduct. As part of SC13-688, each circuit is responsible for creating a Local Professionalism Panel (LPP). The LPPs are empowered to receive, screen, and act upon incidents of unprofessional conduct. While the LPPs are capable of resolving complaints informally without the involvement of The Florida Bar, complaints can still be sent directly to The Florida Bar. Apart from the development of LPPs, each circuit has used its own Professionalism Committee to increase professionalism efforts through seminars, events, peer review, and mentoring programs.

#### **1st Circuit**

Under the direction of Chair Patricia Grinsted, the 1st Judicial Bench & Bar Professionalism Committee, in conjunction with the 1st Judicial Circuit Legal Community, recently took part in a CLE cruise on the Carnival "Fascination." The Circuit is planning a 2014 Professionalism Conference. Additionally, the Committee uses a "Social and Lunches" subcommittee as a mechanism to bring judges and lawyers together in an informal gathering to foster open communication, discussion, and mentoring. The Commit-

tee also has a subcommittee that seeks nominees for the "Random Acts of Professionalism" Recognition Award to honor an attorney based on their "pursuit and practice of the highest ideals and tenets of the legal profession," as embraced in The Florida Bar's Standing Committee on Professionalism definition of professionalism. Recipients are recognized in the quarterly e-newsletter.

#### **2nd Circuit**

The 2nd Judicial Circuit Committee on Professionalism is chaired by E.C. Deeno Kitchen. Pursuant to Administrative Orders the Second Judicial Circuit Professionalism Committee has been re-constituted as the Second Judicial Circuit Professionalism Panel. The Panel will consist of 20 to 40 members selected by the Chief Judge. The Panel intends to use three standing committees to handle all of the functions of the panel. Sean T. Desmond was appointed chair of the Rules Committee, Melissa VanSickle was appointed chair of the Education and Activities Committee, and Roosevelt Randolph was appointed chair of the Bench/Bar Committee. The Rules Committee will be responsible for developing and preparing written procedures for the receipt, screening, and resolution of professionalism complaints against lawyers as well as judges.

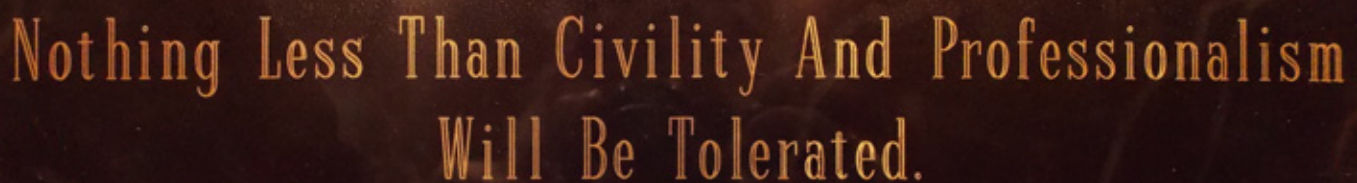
#### **3rd Circuit**

While acknowledging that the circuit professionalism committee

had been largely dormant, the 3rd Circuit Bar Association organized numerous bench/bar breakfasts, CLE's and other professionalism activities over the past year. Interim Chair Clay Schnitker and the 3rd Circuit Professionalism Panel and Committee is aggressively reorganizing itself per SC13-688. The 3rd Circuit Professionalism Panel was designated to act as the Local Professionalism Panel. The Panel, comprised of various members of the legal community, will be meeting to select a chairperson. The chairperson shall be responsible for completing the Individual Reporting Form for each individual matter addressed and the Quarterly Summary Report.

#### **4th Circuit**

The Jacksonville Bar Association's Bench and Bar Professionalism Committee was instrumental in helping Administrative Order No. 2013-09 be entered on August 19, 2013. The Order, pursuant to SC13-688, was one of the first Local Professionalism Panels to be implemented in Florida. Apart from its work on the Order, the Committee hosted numerous professionalism events, CLEs, sidebars and judicial breakfasts. Additionally, it offered the Judicial Professionalism Symposium, with almost 200 attendees and ABOTA's 8th Annual Gary Pajcic Professionalism and Civility Matters Seminar, free to law students and new attorneys. The Committee presented a professionalism award to Hugh Cotney who



Nothing Less Than Civility And Professionalism  
Will Be Tolerated.

Plaque displayed in courtrooms in the Third Circuit.



## **PROFESSIONALISM REPORTS**

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displayed integrity, honor, and civility as well as the desire to increase membership and participation in the Committee. The 4th Circuit continues to have a very active Mentoring Program designed to provide attorneys with the opportunity to heighten their degree of civility, professionalism, and competence. The program had 78 people paired as mentors and mentees within the last year. In addition, each judge's chamber displays a wooden professionalism and civility sign.

### **5th Circuit**

Chaired by the Honorable S. Sue Robbins, the 5th Judicial Circuit Professionalism Committee hosted the 2014 Professionalism Conference on April 4, 2014, which was attended by over 275 lawyers and judges. The conference, "The Changing Legal Profession: Rooted in Principle, Evolving to Serve," provided a historical review of the legal profession as well as an examination of special issues that lawyers face in the modern electronic era. The Bench Bar Committees for each county offers a mentoring program. The 5th Circuit issued an Administrative Order that states that each county within the circuit will establish a Local Professionalism Panel. Each Panel will consist of one judge and no less than two members.

### **6th Circuit**

Under the leadership of the Honorable J. Thomas McGrady, the 6th Judicial Circuit Professionalism Committee has completed multiple professionalism projects within the last year including the "2013 Criminal Professionalism Seminar," the "Professionalism Symposium 2014," and the "Wild, Wild West Bench & Bar-B-Que CLE." Additionally, the St. Petersburg Bar Association Mentor Program enables new lawyers to interact with experienced attorneys who offer advice and recommendations on how to be successful. In November 2013, Chief Judge J. Thomas McGrady signed Administrative Order No. 2013-075 PA/PI-CIR, which modified the circuit's Professional Implementation Procedures (PIP) Committee to be in accordance with

SC13-688.

### **7th Circuit**

In October 2013, the 7th Judicial Circuit Professionalism Committee, chaired by Judge Belle Schumann, teamed with the Volusia County Bar Association to create the Local Professionalism Panel as ordered in SC13-688. The Local Professionalism Panel will be comprised of three individuals chosen by the Chief Judge. The Chief Judge will select these individuals from a list of panel members provided by each of the county bar associations within the 7th Circuit. All complaints are submitted to the president of the county bar association who forwards them to the Chief Judge for panel assignment. Additionally, Chief Judge Terrence Perkins presented a "Lunch and Learn" program to the Young Lawyers Division of the Volusia County Bar Association in March, and the "Afternoon in the Courthouse" program is being re-instated. The circuit also offers a mentoring program for young attorneys through the Dunn-Blount American Inns of Court, which meets eight times a year.

### **8th Circuit**

The 8th Judicial Circuit Professionalism Committee, which is chaired by Chief Judge Robert E. Roundtree, serves as the circuit's Local Professionalism Panel by way of Administrative Order 10.02. The Committee actively collaborates with various legal organizations and sections operating within the circuit. For instance, the James C. Adkins Chapter of the American Inns of Court's monthly meetings touch on professionalism and ethics and the Gerald T. Bennett Chapter of the American Inns of Court requires that its programs have a demonstrable professionalism component. Also in 2013, the James L. Tomlinson Professionalism Award was presented to Marion Radson. Additionally, the Public Defender's Office and the State Attorney's Office for the circuit began an annual training partnership aimed at fostering professionalism and better appreciating the challenges each office faces. This spring, the Eighth Judicial Circuit Bar Association collaborated with the University of Florida Levin College of Law to host

a professionalism symposium for lawyers and law students.

### **9th Circuit**

The 9th Circuit Professionalism Committee, chaired by Michael M. Kest, and the Orange County Bar Association (OCBA) recently placed plaques for past Professional Award winners in the courthouse to serve as an example of the high standards of the profession. In 2014, Judge Faye Allen received the James G. Glazebrook Memorial Judicial Bar Service Award, for dedication to professionalism and promoting civility. Ralph Martinez was awarded the William Trickle, Jr. Professionalism Award, which honors an attorney who has practiced for 15 or more years and shown high moral standards and conduct that transcends the ethical rules. The Lawrence G. Mathews, Jr. Young Lawyer Professionalism Award incorporates the same criteria as the Trickle Award, but for newer attorneys and the 2014 recipient was LaShawnda Jackson. With the OCBA Technology Committee, the Committee also presented a four and a half hour seminar that addressed attorney responsibilities when using cloud computing. One hour, "Pizza and Professionalism" presentations are offered at the local law schools and joint ABOTA presentations are offered on civility as well. Additionally, the Committee has been actively drafting rules and procedures for the Professionalism Complaints Panel. The Young Lawyers Section of the OCBA offers a mentoring program.

### **10th Circuit**

Chaired by K.C. Bouchillon, the 10th Judicial Circuit Professionalism Committee in conjunction with the 10th Judicial Circuit's Willson American Inns of Court conducted its annual Professionalism Dinner and the bi-annual New Lawyer Orientation in 2013. At the Professionalism Dinner, Oliver Green was presented with the Professionalism Award, which is given to a member of the local bench or bar who exhibits the highest levels of professionalism. The Polk County Trial Lawyers Association also awarded the first annual Karla Foreman Wright Award to Circuit Judge Marcus Ezelle for his high level of professionalism and integrity. In October

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2013, Chief Judge Bruce Smith issued an Administrative Order to formally establish the Local Professionalism Panel, a five-member Panel.

### 11th Circuit

In 2013, the Professionalism Committee for the 11th Judicial Circuit, chaired by the Honorable Darin Gayles and Paul Lipton, successfully completed multiple projects. In September 2013, the Committee hosted the first Professionalism and Civility Action Summit, which saw representatives from approximately 20 voluntary bar associations join several judges at the University of Miami to discuss the problems of unprofessionalism and incivility. In October 2013, the Committee hosted its first New Attorney Breakfast where experienced lawyers and judges spoke to new attorneys about ethics, professionalism, and civility. Chief Judge Bertila Soto issued Administrative Order No. 14-01 in February 2014 establishing a Local Professionalism Panel. The Circuit also is a participant in the South Florida Joint Civility Project.

### 12th Circuit

Under the direction of Chair Kevin R. Bruning, the Bench Bar Conference Committee hosted a Bench Bar Conference on April 11, 2014 that was attended by over 300. The Conference featured speakers Linda Calvert Hanson, Director of The Florida Bar's Center for Professionalism, and Board of Governor member, David Prather. Additionally, the Honorable Alan S. Gold addressed the attendees on "Mindfulness: Exercise Your Freedom to Choose." The circuit also has a Local Professionalism Panel Committee that has begun working on its local professionalism panel.

### 13th Circuit

Chaired by Chief Judge Manuel Menendez, Jr. and Judge Ashley B. Moody, the 13th Judicial Circuit Professionalism Committee was instrumental in establishing the Local Professionalism Panel, in October 2013. The Committee has created a Professionalism CLE and Events

Subcommittee to coordinate future CLEs and consider establishing a professionalism award. The Hillsborough County Bar Association (HCBA) Trial and Litigation Section presented the Herbert G. Goldburg Award to Bill Frye of Trenam Kemker for a distinguished career of fairness, integrity, courtesy, zeal, and respect. The Committee and the HCBA also developed a circuit-wide mentoring program to assist newly admitted lawyers in attaining the qualities of an excellent lawyer. Additionally, the Hillsborough Association of Women Lawyers Mentoring Program pairs law students from Stetson College of Law as a way to provide guidance on how to effectively transition from law school to law practice. To inculcate professionalism and civility, a framed copy of the Principles of Professionalism for Florida judges has been prominently displayed in the courthouse conference room, and desk professionalism and civility plaques were given to all new judges. Additionally, a number of professionalism programs are being offered throughout the community by organizations such as the Hillsborough County Bar Association, the American Inns of Court, the State Attorney and Public Defenders Offices, the Tampa Bay American Board of Trial Advocates Chapter, the law schools, and the Florida Association for Women

Lawyers.

### 14th Circuit

The 14th Circuit Bench/Bar Professionalism Committee, chaired by Tim Warner, has been active with outreach and speaking engagements with local bar associations. Apart from these engagements, the committee meets about every six weeks and has incorporated an informal mentoring process into their procedures. The committee also has a review council that is made up of committee members that serves as an active professionalism peer review council.

### 15th Circuit

Chaired by Chief Judge Jeffrey Colbath, Amy Borman, and Michael Mopsick, the Palm Beach County Bar Association Professionalism Committee hosted a New Attorney Breakfast Series geared toward new attorneys that included topics such as how to draft a motion and proposed order, local rules, concepts of civility and professionalism. In addition to a series of three free seminars for new attorneys, a presentation on professionalism and civility was created, and has been incorporated in over 10 CLEs. The presentation includes a discussion on how to be civil and professional when faced with a difficult opposing counsel. The committee has also revamped the mentoring program,



The Henry Latimer Center for Professionalism is now accepting submissions for the upcoming edition of the legal publication *The Professional*. If you or any legal organization you are a member of would like to submit an article for consideration please email your submissions to [jhaston@flabar.org](mailto:jhaston@flabar.org) with "article submission" in the subject line. The articles should pertain to issues of professionalism and be inspirational and/or motivational in content. Please use Microsoft Word and limit submissions to no more than 800 words (12 point font, double spaced).



## PROFESSIONALISM REPORTS

*from previous page*

revised the professionalism website, and offered a professionalism award that was presented to former president of The Florida Bar, Scott Hawkins. Additionally, the Professionalism Committee has a monthly column in the Palm Beach County Bar Bulletin on the topic of professionalism. Letters summarizing the Professionalism Panels and the remedial course of action are also published in the Bulletin with names redacted. This Circuit participated in the South Florida "Got Civility" project as well.

### 16th Circuit

The 16th Judicial Circuit Professionalism Committee is currently in the process of implementing a mechanism to resolve local professional complaints. Additionally, the Committee hosted luncheons with local attorneys to discuss local professionalism issues.

### 17th Circuit

In August 2013, the Bench Bar Committee, in conjunction with

ABOTA, hosted the Second Annual Professionalism and Civility Program. The Committee also hosted a Bench Bar Convention and New Lawyer Orientation in October and November, respectively. The Broward County Bar Association Professionalism Committee is organizing six professionalism CLEs and one on social media. The Lynn Futch Professionalism Award is awarded to attorneys practicing in Broward County with more than 20 years of experience. The last recipient of the award was Jeff Solomon. The Joseph J. Carter Professionalism Award is awarded to attorneys practicing in Broward County less than 20 years. Samuel Coffey was the last recipient to receive this award. In December 2013, an Administrative Order was issued establishing a Local Professionalism Panel. The panel shall consist of 15 to 21 members, appointed by the Chief Judge of the 17th Judicial Circuit.

### 18th Circuit

The Brevard County Bar Association (BCBA) hosted a "Mix and Mingle with the Judges" event and facilitated Side Bar Lunches to highlight

professionalism topics and ethics issues. The Vassar B. Carlton American Inns of Court has held monthly team presentations, including one presentation dedicated to "Professionalism and the Relationships Among Lawyers and the Court. The BCBA holds an annual professionalism awards luncheon to honor a young lawyer, government lawyer, private lawyer, non-lawyer and the lifetime achievement award. Both the BCBA and Seminole County Bar Association will continue to support mentoring programs for attorneys as well as law students.

### 19th Circuit

Chaired by Chief Judge Steven J. Levin, the 19th Judicial Circuit Professionalism Committee hosted the 2014 Bench/Bar Conference in April. Additionally, the circuit established its Local Professionalism Panel pursuant to SC13-688. The five local bar associations within the 19th Circuit also sponsored luncheon CLE programs and participated with the judiciary and Florida Rural Legal Services in developing and presenting various programs. Florida Rural Legal Services recognized Jason Berger, Christopher Gaston, Joe Gufford, Joseph Greco, and Mark Miller in 2013 for their professionalism and pro bono service.

### 20th Circuit

Meeting quarterly, the 20th Judicial Circuit Professionalism Committee, chaired by Chief Judge Jay B. Rossman, has been working to reactivate the Peer Review Program, improve communication between the local bar associations, develop a webpage specifically for the committee, and forge positive relationships with the Florida Supreme Court Commission on Professionalism and The Florida Bar Standing Committee on Professionalism. Throughout the year, the Lee County Bar Association, Collier County Bar Association, and Charlotte County Bar Association have hosted various CLE programs and speakers regarding professionalism and ethics issues, including the topic of ethics in the event of a natural disaster, professionalism and ethics in family law, and ethical considerations for the Florida lawyer.

### PLAN TO ATTEND!

## "Social Media, Advertising and Professionalism"

The Florida Bar 2014 Annual Convention  
Gaylord Palms Resort and Convention Center  
Wednesday, June 25, 2014 at 2:30

This panel presentation opened by Judge Perrone, will include:

- SCOP Chair David Hallman will discuss creating a positive reputation via ones online presence.
- Dean Tim Chinaris will speak on blogging etiquette and concerns of friending judges, opposing counsels and other third parties.
- Assistant Director Jacina Haston will discuss the consequences of the unprofessional use of social media.
- Mac McCoy will highlight the rapidly growing use of social media in advertising.

Co-sponsored by the Standing Committee on Professionalism  
1.5 hour CLE, (1 credit Professionalism)

# The Claire Huxtable Effect

**By: Jacina Haston, Assistant Director of the Henry Latimer Center for Professionalism**

As a child I had many dreams, goals, and aspirations to make my family proud of my accomplishments in life. I watched my mother struggle to make ends meet, and I spent a lot of time with family members while she worked two jobs to provide the basics. I was eager to someday return the favor to my mom for all that she had done to raise me into the woman that I am today.

It goes without saying that I was an overachiever as I ran track, played softball, cheered, and was a part of the law and government high school magnet program. Although I achieved great status in doing these multiple activities, they were not my passion. My role model originated from a character portrayed on a popular television show that originally aired from 1984 to 1992, the *Cosby Show*. Mrs. Claire Huxtable was a woman who exuded class and demanded respect when she entered the room. I admired her intelligence and most importantly her career as an attorney. Claire Huxtable was a woman who practiced with professionalism, and I relished her dignity.

Many young girls growing up during my time aspired to be teachers and to other noble careers, but it was Claire Huxtable who set the stage for what has proven to be a remarkable career for me. The fact of the matter is I knew absolutely no one who was an attorney. I often would get strange looks from people when I

proclaimed that someday I would be an attorney. I excelled academically, and my mom instilled in me that as long as I continued to do well in school, I could be whatever I wanted to be, and I believed her. The reality of my circumstances back then was that women were a minority in the legal profession, especially African-American women. The same still holds true today.

In 2012, according to the American Bar Association Market Research Department, women comprised 33.3% of the legal profession. Times have changed for the better as it relates to women in the legal profession and any little girl with dreams of being a lawyer has far more role models than I did, but we still have a ways to go. According to the 2013 NALP Directory of Legal Employers, just 2.16% of partners were minority women. Minority women specifically are far more likely to be found among the ranks of associates and staff attorneys. My legal career began in the realms of the Ninth Judicial Circuit Public Defenders Office, which led to me working for Legal Services of North Florida before joining The Florida Bar. The path to my success was not easy, and it took the willingness of others investing their time in me to get me to where I am today.

To each young lady I come across who reaches out to me regarding my career as an attorney, I pay it forward. As they say, to whom much is given,

much is required. Many times those who have made a major impact on our lives never know their contribution or receive due credit. To those who conspired to get me to this place, words cannot express my sincere gratitude. I am grateful to the professors in law school who encouraged my desire to be a litigator. To each and every person who was instrumental in me receiving my first job and giving me the tools to be successful, I am thankful. I am indebted to each judge who took the time to give me confidence to believe that I can effectuate change in the justice system and that I have a voice. I appreciate each attorney that shined their beacon of light to prove that with hard work anything is possible. I acknowledge every superior that imparted sound values in me and taught me principles that hold true even outside the practice of law.

As a young girl who came from very humble beginnings, I owe a lot to this profession and the many doors it has opened for me. I appreciate each and every person who mentored me and who took the time to invest in fostering my dreams and goals. As members of The Florida Bar, I encourage each one of us to extend our time and talent to the next person who dreams of becoming an attorney. Become a mentor or set a goal to sponsor someone who may be the next rising star. You never know, you just may have the Claire Huxtable effect!

## *Developing a Mentoring Program?*

The Henry Latimer Center for Professionalism has created a Mentoring Toolbox containing all the essentials to make your mentoring program a success.

This Toolbox consists of a mentoring handbook, resource guide, PowerPoint presentation, and all necessary training materials.

If your organization is interested, please contact the Center to obtain the Mentoring Toolbox at [cfp@floridabar.org](mailto:cfp@floridabar.org).

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# 2013 – 2014 Law School Reports

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The Standing Committee on Professionalism and the Henry Latimer Center for Professionalism desire to see professionalism and civility inculcated into law students throughout law school as they interact with faculty, members of the bench, bar, the public, and even clients under supervision. To foster an exchange of ideas and programs within the academy, the Annual Law School Report was reinstated in 2012 by the Standing Committee on Professionalism. This report seeks to gather information regarding professionalism efforts that are taking place within the 12 Florida law schools. Based upon information contained within these reports, nine Florida law schools introduced professionalism at orientation with six of those schools administering an oath of professionalism or an Honor Code Pledge to students. All of the Florida law schools infused professionalism in their curriculum and offered other initiatives to promote professionalism.

## **Ave Maria School of Law**

Ave Maria School of Law is finding numerous ways to encourage its law students to understand the importance of professionalism in the legal profession beginning during orientation. Ave Maria also promotes professionalism in the Student Handbook. As a group the students recite the Honor Code before signing their pledge. Apart from "Professional Responsibility," many faculty members have found ways to encourage professionalism by incorporating "Professionalism Points" in their syllabi making professionalism one of the factors by which students are evaluated. Ave Maria supports public service projects as another way to help students understand the importance of professionalism.

## **Barry University Dwayne O. Andreas School of Law**

Barry University instituted the Student Professionalism Enhancement Program in 2009 to better prepare law students to utilize professionalism skills in both law school and in the future practice of law. Barry law students are introduced to professionalism in the first week of law school at orientation where students learn about the various aspects of professionalism, how it affects their role as law students, and how professionalism skills are essential

as they become members of the legal profession. Each student is required to complete six hours of professionalism credits before graduating to prepare them for their continuing legal education courses when they become practicing attorneys.

## **Florida A&M University College of Law**

Florida A&M University College of Law promotes professionalism to all new students who attend a one-half day orientation where the plenary session consists of a panel of faculty, judges, and practicing lawyers. Small group breakout sessions follow where faculty members lead dialogues of a video that discusses professionalism issues. At the conclusion of the orientation, the "FAMU Oath of Professionalism" is administered. Associate Dean Joan Bullock introduced "Cloud 9 Talks Professionalism and Ethics in the Virtual World" to the Orange County Bar Association, and Professor Antoinette Plogstedt was invited by the Florida Bar Young Lawyer's Division to participate in the "Mentoring with the Masters" video series. Professor Perry is also developing a professionalism mentoring program for students with the college's Student Bar Association to be launched Fall 2014.

## **Florida Coastal School of Law**

To promote professionalism at Florida Coastal School of Law, all first year law students are mandated to attend a session on "Professionalism in the Classroom, on the Campus, and in the Community" as well as "Managing Your Online Presence." At Coastal, many courses factor professionalism points into the final grade. To integrate professionalism in courses, professors require students to attend conferences to prepare students to discuss the conference topic. In August 2013, Florida Coastal co-sponsored the "Jacksonville Bar Association Professionalism Symposium," which received Florida Bar CLE credit. Approximately 100 law students attended the symposium and learned about professionalism issues in certain areas of practice and how these issues should be addressed. At graduation, the school recognizes a student who best exemplifies professionalism and ethical behavior throughout his or her law school experience with the Phyllis

Stansell Ethics and Professionalism Award.

## **Florida International University College of Law**

Florida International University College of Law has developed the "Pathway To The Profession Initiative." This initiative assists law students academically and professionally starting prior to orientation and continuing after graduation. The initiative exposes students to critical subjects within seminars and workshops to prepare them for the unique challenges of law school and how to manage such demands.

FIU Law administers a Professionalism Oath and First Year Pledge to all new students, and this year adopted a pervasive approach to integrating professionalism into all courses. For example, "Professionalism, Ethics and the Legal Profession" enhances the student's understanding of the legal profession through lectures by distinguished members of the bench and bar. FIU Law also offers pre-law webinars and summer professionalism workshops to provide students with an early understanding of law school's demands and the practice's expectations as early as possible. Sessions include "Ethical Lawyers and Self-Identity: What are You Claiming about Yourself When You Say, 'I am a Lawyer?'" and "1L to 1L: Reflections on the First Year of Law School."

Additionally, FIU Law has an established Center for Professionalism and Ethics to provide practical skills and professionalism training.

## **Florida State University College of Law**

FSU College of Law holds a two-day first year orientation, where the new law students are exposed to the themes of professionalism, civility, and ethics that encompass the everyday issues of the profession. Topics include social media, interaction with prospective employers and clients, and personal and professional reputation. To graduate, students must complete 20 hours of pro bono service. The pervasive method teaches professionalism in courses throughout the curriculum, externships, and clinics.

## **Nova Southeastern University Shepard Broad Law Center**

The Shepard Broad Law Center at Nova Southeastern University instills the importance of professionalism at



orientation during a professionalism workshop with distinguished speakers who assist the law students in identifying the challenges to professional conduct and behavior. To further encourage professionalism, The Florida Bar's Oath of Admission was taken at the beginning of the orientation.

Professors in the Lawyering Skills and Values program organized, "The Importance of Professionalism in Adversarial Legal Writing: A Judicial Roundtable Discussion," at the Broward County Courthouse.

To further promote professionalism, NSU Law's Career and Professional Development Office (CPDO) requires all students to sign a Student Professionalism Agreement. The CPDO also hosts weekly lunch presentations that consist of one or two speakers from various legal backgrounds who are encouraged to discuss ethics and professionalism. Further the CPDO awards students a "Dean's Certificate of Professionalism" based upon "professionalism points" earned from attending and participating in presentations and events. The Office of Alumni Relations sponsors a mentoring picnic for students to meet practicing alumni mentors to learn about day-to-day life as an attorney and how to handle difficult situations.

#### **St. Thomas University School of Law**

St. Thomas University School of Law introduces the professionalism component of legal practice to its students at orientation.

During the past fall semester, St. Thomas sponsored a "Professionalism Day" to acquaint students with the expectations of the legal profession. Prominent practitioners were invited to share their perspectives of practicing law and the Career Services Office co-sponsored a Lunch and Learn on "Civility and Professionalism." St. Thomas also sponsored and participated in the Peter T. Fay Inns of Court in Miami-Dade County and the Steven R. Booher Inns of Court in Broward County to instill and teach professionalism to the law students. Law students are also required to participate in a pro bono program in which students contributed in excess of 23,000 hours last year.

#### **Stetson University College of Law**

Stetson University College of Law provides a Professionalism Luncheon at orientation for law students to hear guest speakers discuss the importance of practicing with professionalism. Law

students also read the Academic Honor Code and sign the Code of Student Professionalism and Conduct stating that they will be professional at all times. Stetson offers specialized courses, such as "Business Ethics" and "Ethics and the Practice of Criminal Law." Stetson also offers a Career Development Planning series which offers students weekly presentations on a wide range of professionalism topics as well as topics regarding transition to the real world after law school. Also, students can earn a Leadership Development Certificate upon graduation by attending 10 hours of workshops. In addition to several professionalism awards given by the faculty, two students of Stetson received awards for their writing in regards to professionalism in state competitions.

#### **The Thomas M. Cooley Law School**

To promote professionalism to its law students at orientation, students learn about the importance of attorney ethics and professionalism through "Professionalism in Action." The program goals discuss Cooley's Honor Code and Disciplinary Procedures, Cooley's Commitment to Honor, Cooley's Professionalism Portfolio, and Cooley's Professionalism Plan. The Professionalism Portfolio offers each student the opportunity to participate in a professional development program and create a professionalism portfolio that requires self-reflection and training in personal responsibility, ethics, and service and documents the student's professional identity development. The Portfolio can be shared with prospective employers to provide insight into the student's character, mastery of lawyer skills, and service.

Cooley has also developed "Professionalism Principles" essentials for law students to succeed. The principles are to be accountable, to be professional, to serve the community, to focus on students, and to promote an ethical school community. Students had the opportunity to attend a seminar in September 2013 on the topic of "Professionalism in Action: Why Does Diversity Matter?"

#### **University of Florida Levin College of Law**

The University of Florida Levin College of Law introduces professionalism in the first moments of orientation that continues as a theme in day two where faculty present "Professionalism in the Law School Community and the Profession," before the Oath of Professionalism also is administered. Professional-

ism is addressed in the Honor Code and the College of Law's Mission Statement.

In the required first year courses, "Introduction to Lawyering and the Legal Profession," and "Legal Writing" and "Appellate Advocacy," students are taught the importance of professionalism, developing an ethical professional identity, meeting deadlines, due diligence, and legal problem solving through research, written communication and guest speakers. A "Professional Practices Seminar" focuses on real-world ethical and moral issues arising in law practice to help students be better equipped to face controversial situations.

UF Law also promotes professionalism through multiple workshops and seminars the past year, including the Eighth Judicial Circuit Bar Association Professionalism Symposium, the Law and Justice Conference, and the First Annual Joe Milton "Civility Matters" Luncheon. Additionally, student organizations, in partnership with the law school administration, have organized the third annual "Professionalism Week" to highlight the professional expectations of the legal profession.

#### **University of Miami School of Law**

To implement professionalism at orientation, the Dean emphasizes that a student's professional life begins on the first day and focuses on the importance of a professional demeanor always.

The University of Miami School of Law has found ways to integrate professionalism in its courses. In the Professional Responsibility & Ethics Program (PREP), which develops CLE training programs for the legal community, the law students benefit from exploring cutting edge ethics issues. Additionally UM offers the unique Mindfulness in Law Program that includes courses and workshops on "Mindfulness in Law," "Mindful Ethics," and "Mindfulness and Leadership" to help law students achieve balance and success.

The Partnership for Professionalism Program, a bi-annual meeting and dinner attended by about 120 judges, attorneys and law students is heralded by local judges and attorneys as an excellent training program. The program brings a judge, three attorneys and six students seated together at each table to discuss prepared scenarios of civility, ethics and professionalism.

# The Florida Bar v. Jeffrey Alan Norkin

In a rare move, the Supreme Court of Florida, in February, administered a public reprimand before the full court and disciplined Jeffrey Alan Norkin for numerous instances of unprofessional conduct that occurred in exchanges with judges and other attorneys. After an initial recommendation by the referee that the attorney be found guilty of unprofessional misconduct justifying a 90-day suspension followed by an 18-month period of probation, The Florida Bar recommended a one-year suspension. The

Court ordered a two-year suspension, 18-month period of probation, and the public reprimand for violation of rules 4-8.2(a), 4-8.4(a), 4-3.5(c), and 4-8.4(d) of the Rules Regulating the Florida Bar.

**Rule 4-8.2(a) (a lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity) and Rule 4-8.4(a) (a lawyer shall not violate or attempt to violate the Rules of Professional Conduct)**

In *Ferguson v. Beem*, Norkin represented the defendants, Beem and Floors to Doors, Inc. The litigation stemmed from a serious conflict between Ferguson and Beem, who had formed a corporation together. As a result of the litigation, a third-party was appointed the provisional director of the corporation. Norkin opposed the appointment and complained of a conspiracy between the provisional director and Ferguson. The referee found that Norkin had made reckless statements when he implied the conspiracy as there was no such evidence.

Additionally, Norkin filed a motion to recuse the judge because in Norkin's mind the judge acted at the "beck and call" of the plaintiff

and also that an illegal relationship existed between the judge and the plaintiff's attorney. The referee found no evidence of an illegal relationship but instead that Norkin simply filed the motion in hopes of finding a more favorable forum.

**Rule 4-3.5(c) (a lawyer shall not engage in conduct intended to disrupt a tribunal)**

The referee found that during the *Ferguson* litigation, Norkin demonstrated unprofessional behavior during numerous hearings.

During a hearing, the judge commented that Norkin was being extremely difficult, talked very loud, and was angry. In a subsequent hearing, the judge said that Norkin came "in like a bull in a china shop." Additionally, it was noted that Norkin acted as a reasonable attorney, until

things went wrong for him and then at that point would become loud and unruly.

The referee concluded that Norkin's behavior was calculated and that the lack of professionalism and inappropriate demeanor made it impossible for judges to conduct hearings.

**Rule 4-8.4(d) (a lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice)**

As part of the *Ferguson* litigation, the referee found that Norkin violated rule 4-8.4(d) through many different actions. One such action was an e-mail exchange with opposing counsel that included the following comments in various e-mails:

- "I look forward to litigating the issues you highlight and recovering the fees I bill my client from you PERSONALLY. I think

I have never litigated with an attorney who is as disingenuous as you. This really is fun, and so from that standpoint, I thank. . .

. Let me know if you'll chat with me on the phone. I so want to."

- "If I'm going to criticize your professionalism and honesty, I prefer to do it in writing [e-mails] anyway. I don't want my words considered kind out of context. I don't say many kind words to those I consider dishonest such as yourself."
- "When is your unprofessional, ludicrous, downright unintelligent conduct going to stop? Before or after you are directed to pay my bills?"

Additionally, during another hearing, Norkin questioned the court about what more needed to be done to show that one man was honest and another was dishonest. During his reference to the dishonest man, Norkin pointed at opposing counsel. In July 2010, while in a judge's chambers, Norkin shouted "at the top of his lungs" that opposing counsel was a liar in the presence of several lawyers.

Norkin claimed his misconduct was a result of opposing counsel's actions. The Court stated that even if opposing counsel is unpleasant, an attorney is not licensed to engage in misconduct.

The Supreme Court went above both the referee and The Florida Bar's recommended discipline because despite repeated warnings to act professional and previous incidents of unprofessional conduct in other trials, Norkin refused to alter his behavior. The opinion stated that "one can be professional and aggressive without being obnoxious. This Court has been discussing professionalism and civility for years. We do not tolerate unprofessional and discourteous behavior." In a footnote, the Court stated that "[m]embers of The Florida Bar, law professors, and law students should study the instant case as a glaring example of unprofessional behavior."

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**"This Court has been discussing professionalism and civility for years. We do not tolerate unprofessional and discourteous behavior."**  
***The Florida Bar v. Norkin,***  
***SC11-1356, 2013 WL 5878901***  
***(Fla. Oct. 31, 2013).***

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## RECENT PUBLICATIONS

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Kevin Crews, E-Filing from the Local Coffee Shop: A Practical Look into Confidentiality, Technology, and the Practice of Law, Fla. B.J., June 2013, at 82.

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Helia Garrido Hull, Why We Can't Be Friends: Preserving Public Confidence in the Judiciary Through Limited Use of Social Networking, 63 Syracuse L. Rev. 175 (2013).

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Jan Jacobowitz, "Mindfulness and Professionalism", (Book chapter in The Essential Qualities of a Professional Lawyer), The Center for Professional Responsibility, American Bar Association (2013).

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Jan Jacobowitz, Cultivating Professional Identity and Community: A Tale of Two Innovations, University of Arkansas at Little Rock Law Review (Forthcoming 2014).

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Caroline Johnson Levine, Professionalism Can Save the Profession (and Yourself)!, FAWL Journal, A Publication of the Florida Association for Women Lawyers, pp. 14 – 16, Winter, 2013.

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Leonard L. Riskin, "Two (or More) Concepts of Mindfulness in Law and Conflict Resolution", (Wiley-Blackwell Handbook of Mindfulness), Amanda Ie, Christelle Ngoumen & Ellen Langer, eds., Wiley-Blackwell, (2014).

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Mary T. Robinson, Mandating Civility: Wisdom or Folly?, The Center for Professional Responsibility, American Bar Association (2014), The Professional Lawyer, Volume 22, Number 2.

## OTHER RESOURCES

Associate Dean for Academic Affairs and Professor of Law at Belmont University College of Law in Nashville, Timothy P. Chinaris, maintains sunEthics, a site that digests cases and articles regarding professionalism, legal ethics, judicial ethics in Florida and nationally at <http://www.sunethics.com/>.





For groups looking to boost membership and provide members an excellent opportunity to interact while gaining CLE credits, the Henry Latimer Center for Professionalism has the solution. The Center offers more than 30 Historical Video Series (HVS) interviews, including Justice Barbara Pariente discussing changes she has seen in the practice of law during the course of her career, and U.S. District Court Judge Alan S. Gold discussing the importance of the daily practice of mindfulness and the significance of professionalism in the legal community, and U.S. District Court Judge Paul C. Huck sharing the importance of mentoring. The Historical Video Series covers a range of topics and is approved for one half to one hour of Professionalism CLE. Voluntary bar associations can couple the video with a brown bag lunch and discussion as a great way to gain CLE credits. A full listing of videos and ordering instructions can be found on the Bar's website.

### ***A Word To The Wise***

***Your beliefs become your thoughts, your thoughts become your words, your words become your actions, your actions become your habits, your habits become your values, and your values become your destiny.***

**– Mahatma Gandhi**

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***Action is the foundational key to all success.***

**– Pablo Picasso**

\* \* \*

***There are no shortcuts to any place worth going.***

**– Beverly Sills**



**THE FLORIDA BAR**

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